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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/722,568 | 11/28/2003 | Won-youl Bae | 1793.1042 | 6270 |

21171 7590 07/26/2006

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| EXAMINER |
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MILLER, BRIAN E

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| ART UNIT | PAPER NUMBER |
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2627

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,568

Applicant(s)

BAE, WON-YOUL

Examiner

Brian E. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claims 1-29 are pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: (a) page 4, para [0019], line 4 the word “grove” should be changed to “groove”; (b) claim 17, line 1, before “16” the word “claim” should be inserted; (c) claim 8, line 5, the phrase “another grooves” is awkward and should be modified accordingly; (d) claim 1, the phrase “sliding holder slidably installed” appears to be redundant. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (a) Claim 1, lines 7-8, i.e., “a sliding holder slidably installed at the tray 50 to prevent the disc cartridge 80 from moving by pressing the disc cartridge 80 restricted by the locking lever in one direction.” is misdescriptive. The phrase “at the tray 50” is misdescriptive such as it is not readily apparent whether the aforementioned element is on the tray 50 or not. Additionally, the function encompassing the remainder of the language, i.e., “restricted by the locking lever in one direction” is not readily apparent and renders the claim indefinite; (b) claim

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12, the language “so as to prevent movement of the disc cartridge” is misdescriptive. If this is the case, how does the cartridge become inserted or ejected? Applicant should revise this to mean *relative* movement with respect to another component to overcome this rejection; (c) claim 13, the language “wherein the locking lever engages the locking element” is confusing since claim 12 recites that the locking lever is a component of the locking element, so they must contact each other at least inherently; (d) claim 19, “the holder” lacks antecedent basis.

*In view of this 112(2) issues with respect to claims 13 & 19, patentability of claims 13-17, 19 cannot be determined at this time.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 7, 12, 18, 25-26, 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Choi (US 5,465,246). In so far as the claims are definite and understood (re claims 1-11, 13-17) (As per claims 1 & 12) Choi discloses an apparatus to accommodate and load a disc cartridge 80 housing a disc and which is loaded in a drive, the apparatus (referring to FIGs. 1-2) including: a tray 50 on which the disc cartridge 80 is accommodated; a locking lever 36 having a locking hook 38 disposed to be caught in a groove 70 formed at a side wall of the disc cartridge 80 when accommodated on the tray 50 and which restricts and/or releases the disc cartridge 80 by using the locking hook 38; and a sliding holder 40 slidably installed at the tray 50 to prevent the disc

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cartridge 80 from moving by pressing the disc cartridge 80 restricted by the locking lever 36 in one direction (see col. 2, lines 43-55); (as per claim 2) wherein, when the disc cartridge 80 is loaded, the locking lever 36 is restricted by the sliding holder 40; (as per claim 7) wherein a height of the locking hook 38 is less than a thickness of the disc cartridge, and the locking hook 38 is installed to closely contact a surface of the tray (via groove 58); (as per claims 11 & 29) further comprising an optical pickup (not shown though would be considered at least inherent to the MD apparatus of Choi) transferring data with respect to the disc and a turn table 90 (see FIG. 2) which turns the disc; (as per claim 18) wherein the locking lever “rotates” relative to the tray 50 such that, when in a first position, the locking element is “rotated” to engage the receiving element, and when not in the first position, the locking element is “rotated” away from the disc cartridge 80, i.e., the term “rotated” is interpreted loosely as “pivoted”, since it is understood that arm 36 must pivot appropriately at the corner for proper operation; (as per claim 25) wherein the tray 50 is slidably accommodated in the case 10; (as per claim 26) wherein the locking lever further comprises a reversal prevention unit, e.g., shutter lock 82, that prevents the tray 50 from sliding into the case when the disc cartridge 80 is accommodated in the tray 50 but where the locking element is not received in the receiving element of the disc cartridge 80, i.e., if the cartridge is not inserted properly, the first step of the insertion, i.e., unlocking of lock 82 will not occur, thus not allowing further insertion thereof (see col. 3, lines 24-35).

Allowable Subject Matter

7. Claims 3-6, 8-10, 20-24, 27-28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Including US Patents to Kawamura et al (5,737,293) and d' Arc (5,465,246) which are cited to show a cartridge locking lever.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "B. E. Miller", written in a cursive style.

Brian E. Miller
Primary Examiner
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BEM
July 21, 2006